

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments is courteously solicited.

Independent claims 10 and 16 have been amended so as to set forth a Markush group for the electrolyte-containing hydrogel. Claims 10 and 16 now set forth that the

"inner reference solution is an electrolyte-containing hydrogel selected from the group consisting of 85-99 weight% of glycerol solution, 1-10 weight% of agar solution, polymeric glue, or water soluble polymers".

Claims 10 and 16 are now consistent with the instant disclosure and the examples. In this regard the Examiner's attention is drawn to examples 1, 4 and 5 which specify the presence of glycerol. Example 6 and 7 specify polymeric glue. Example 8 specifies the use of a soluble polymer. Thus, it is clear that the soluble polymer is not present in combination with glycerol, agar and polymer glue but rather in lieu thereof.

In light of the foregoing, it is submitted that the Examiner's rejection under 35 U.S.C. 112, both first and second paragraphs have been obviated. In addition, the rejection based on new matter has been overcome by the amendments to the specification and claims.

All of the claims as pending are now believed to be in condition for allowance and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the


Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,
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By


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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on July 20, 2004.


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